

**BILL ANALYSIS**

C.S.S.B. 715  
By: Lucio  
Public Education  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

The Education Code currently contains inconsistent references to certified school counselors. C.S.S.B. 715 seeks to make these references uniform and to establish a license requirement for licensed professional counselors employed by school districts.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.S.B. 715 amends the Education Code to change references to a counselor, guidance counselor, high school counselor, or high school guidance counselor to instead refer to a school counselor. The bill prohibits a person from being employed by a school district as a licensed professional counselor unless the person is licensed by the state agency that licenses that profession and authorizes a person employed as a licensed professional counselor to perform specific services within that profession for a school district only if the person holds the appropriate credential from the appropriate state agency.

C.S.S.B. 715 amends the Occupations Code to make a conforming change.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 715 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subdivision (18), Subsection (b), Section 7.055, Education Code, is amended.	SECTION 1. Same as engrossed version except for recitation.
SECTION 2. Subsection (a), Section 11.252, Education Code, is amended.	SECTION 2. Same as engrossed version except for recitation.
SECTION 3. Section 12.1059, Education Code, is amended.	SECTION 3. Same as engrossed version.

SECTION 4. Subsections (b), (c), (d), and (e), Section 12.133, Education Code, are amended.

SECTION 5. Subsection (f), Section 19.007, Education Code, is amended.

SECTION 6. Subsections (d-1) and (d-2), Section 19.009, Education Code, are amended.

SECTION 7. Subsection (a), Section 21.002, Education Code, is amended.

SECTION 8. Subsection (a), Section 21.003, Education Code, is amended to read as follows:

(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

SECTION 9. Section 21.101, Education Code, is amended.

SECTION 10. Subdivision (1), Section 21.201, Education Code, is amended.

SECTION 11. Subsection (a), Section 21.402, Education Code, as effective until

SECTION 4. Same as engrossed version except for recitation.

SECTION 5. Same as engrossed version except for recitation.

SECTION 6. Same as engrossed version except for recitation.

SECTION 7. Same as engrossed version except for recitation.

SECTION 8. Section 21.003, Education Code, is amended to read as follows:

Sec. 21.003. CERTIFICATION REQUIRED.

(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

SECTION 9. Same as engrossed version.

SECTION 10. Same as engrossed version except for recitation.

SECTION 11. Same as engrossed version except for recitation.

September 1, 2017, is amended.

SECTION 12. Subsection (a), Section 21.402, Education Code, as effective September 1, 2017, is amended.

SECTION 13. Subsection (c-1), Section 21.402, Education Code, is amended.

SECTION 14. Subsections (a) and (c), Section 21.403, Education Code, are amended.

SECTION 15. Subdivision (2), Subsection (a), Section 21.4031, Education Code, is amended.

SECTION 16. Subsection (b), Section 21.4031, Education Code, is amended.

SECTION 17. Subsection (a), Section 22.051, Education Code, is amended.

SECTION 18. Section 26.004, Education Code, is amended.

SECTION 19. Subsection (a), Section 28.0212, Education Code, is amended.

SECTION 20. Subsection (a), Section 28.026, Education Code, is amended.

SECTION 21. Subsection (b), Section 28.054, Education Code, is amended.

SECTION 22. Subsection (e), Section 29.082, Education Code, is amended.

SECTION 23. Subsection (b), Section 29.911, Education Code, is amended.

SECTION 24. Subsection (a), Section 30.024, Education Code, is amended.

SECTION 25. Subsection (a), Section 30.055, Education Code, is amended.

SECTION 26. Subsection (b), Section 30.102, Education Code, is amended.

SECTION 27. The heading to Section 33.002, Education Code, is amended.

SECTION 28. Subsections (b) and (c),

SECTION 12. Same as engrossed version except for recitation.

SECTION 13. Same as engrossed version except for recitation.

SECTION 14. Same as engrossed version except for recitation.

SECTION 15. Same as engrossed version except for recitation.

SECTION 16. Same as engrossed version except for recitation.

SECTION 17. Same as engrossed version except for recitation.

SECTION 18. Same as engrossed version.

SECTION 19. Same as engrossed version except for recitation.

SECTION 20. Same as engrossed version except for recitation.

SECTION 21. Same as engrossed version except for recitation.

SECTION 22. Same as engrossed version except for recitation.

SECTION 23. Same as engrossed version except for recitation.

SECTION 24. Same as engrossed version except for recitation.

SECTION 25. Same as engrossed version except for recitation.

SECTION 26. Same as engrossed version except for recitation.

SECTION 27. Same as engrossed version.

SECTION 28. Same as engrossed version

Section 33.002, Education Code, are amended.	except for recitation.
SECTION 29. Section 33.005, Education Code, is amended.	SECTION 29. Same as engrossed version.
SECTION 30. The heading to Section 33.006, Education Code, is amended.	SECTION 30. Same as engrossed version.
SECTION 31. Subsection (b), Section 33.006, Education Code, is amended.	SECTION 31. Same as engrossed version except for recitation.
SECTION 32. Subsections (a) and (b), Section 33.007, Education Code, are amended.	SECTION 32. Same as engrossed version except for recitation.
SECTION 33. Subsection (a), Section 37.306, Education Code, is amended.	SECTION 33. Same as engrossed version except for recitation.
SECTION 34. Subsection (c), Section 38.0041, Education Code, is amended.	SECTION 34. Same as engrossed version except for recitation.
SECTION 35. Subsection (a), Section 51.9355, Education Code, is amended.	SECTION 35. Same as engrossed version except for recitation.
SECTION 36. Subsection (b), Section 56.308, Education Code, is amended.	SECTION 36. Same as engrossed version except for recitation.
SECTION 37. Subsection (b), Section 56.460, Education Code, is amended.	SECTION 37. Same as engrossed version except for recitation.
SECTION 38. Subsections (c) and (d), Section 61.806, Education Code, are amended.	SECTION 38. Same as engrossed version except for recitation.
SECTION 39. Subsection (d), Section 61.855, Education Code, is amended.	SECTION 39. Same as engrossed version except for recitation.
No equivalent provision.	SECTION 40. Section 503.051, Occupations Code, is amended to read as follows: Sec. 503.051. COUNSELING FOR GOVERNMENT OR EDUCATIONAL INSTITUTION. This chapter does not apply to an activity, service, or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency or, <u>except as provided by Section 21.003(b), Education Code, by a public or private educational institution if the person is performing counseling or counseling-related activities within the scope of the person's employment.</u>
SECTION 40. This Act takes effect	SECTION 41. Same as engrossed version.

immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.